

FAIR SHARE HOUSING CENTER

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County NAACP, Camden City Taxpayers
Association

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In re Allocation of Federal
Low Income Housing Tax Credits
Under the Urban, Hope VI, and
Final Cycles Pursuant to the
2002 Low Income Housing Tax
Credit Qualified Allocation
Plan, N.J.A.C. 5:80-33.1 to -
33.40, by the New Jersey
Housing and Mortgage Finance
Agency

In re Adoption of 2002 Low-
Income Housing Tax Credit
Qualified Allocation Plan,
N.J.A.C. 5:80-33.1 to -33.40
by the New Jersey Housing and
Mortgage Finance Agency

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION**

Docket No.: A-1551-02-T2
A-10-02T2

CIVIL ACTION

**STIPULATION OF DISMISSAL WITH PREJUDICE
REGARDING JS URBAN RENEWAL, LP**

WHEREAS, by letter dated October 25, 2002, the New Jersey
Housing and Mortgage Finance Agency (NJHMFA) awarded certain federal
low-income housing tax credits ("tax credits") to JS Urban Renewal,

L.P. in connection with an application for tax credits to construct a housing project in the City of Newark as part of the Newark Hope VI Revitalization Plan; and

WHEREAS, the aforementioned allocation of tax credits to JS Urban Renewal, L.P. included an award of \$2,100,000 from the NJHMFA 2002 Tax Credit Authority and a binding commitment of \$999,985 of 2003 tax credits; and

WHEREAS, on or about November 20, 2002, Fair Share Housing Center, Camden County Branch of NAACP, Southern Burlington County Branch of NAACP and Camden City Taxpayers Association (collectively the "Appellants") filed a Notice of Appeal challenging the allocation of federal low-income housing tax credits for the year 2002 by NJHMFA to several developers, including the aforementioned allocation made to JS Urban Renewal, L.P.; and

WHEREAS, the foregoing appeal was subsequently assigned Docket No. A-1551-02T2; and

WHEREAS, on or about August 28, 2002, Appellants filed a Notice of Appeal challenging the adoption of the 2002 Low-Income Housing Tax Credit Qualified Allocation Plan, N.J.A.C. 5:80-33.1 to -33.40 by NJHMFA, and such appeal was subsequently assigned Docket No. A-10-02T2; and

WHEREAS, the Newark Housing Authority of the City of Newark ("NHA") is the defendant in Newark Coalition for Low Income Housing v. Housing Authority of the City of Newark v. Fair Share Housing Center, Camden County Branch of the NAACP, Southern Burlington

County Branch of the NAACP, and Camden City Taxpayers Association,
Civil Action No. 89-1303 that is pending in the United States
District Court for the District of New Jersey before the Hon.
Dickinson R. Debevoise, U.S.D.J.; and

WHEREAS, the NHA on or about March 21, 2003 filed a Verified
Third-Party Complaint against Fair Share Housing Center, Southern
Burlington County Branch of NAACP, Camden County Branch of NAACP,
and the Camden City Taxpayers Association seeking to temporarily
and permanently enjoin further state court proceedings by them
involving tax credits allocated by HMFA with regard to the
redevelopment efforts that form part of the Hope VI Revitalization
Program, including a request to enjoin the above-described State
Court Appellate Division Tax Credit appeals as they affect or may
affect the implementation of the subject HOPE VI Revitalization
Plan and the allocation of tax credits to JS Urban Renewal, LP; and

WHEREAS, NHA and Third-Party Defendants Fair Share Housing
Center, Southern Burlington County Branch of NAACP, Camden County
Branch of NAACP, and the Camden City Taxpayers Association, which
are the Appellants in A-1551-02T2 and A-10-02T2, have partially
settled the Third-Party Complaint filed against the Third-Party
Defendants/Appellants, as reflected in the attached Settlement
Agreement and Consent Order signed by Judge Debevoise on April 16,
2003; and

WHEREAS, the attached Settlement Agreement and Consent Order
require NHA to implement an aggressive regional mobility program

that will promote racial integration and requires Appellants herein to apply to file a Stipulation of Dismissal with the Appellate Division:

NOW THEREFORE,

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that the Appeal under Docket No. A-1551-02T2 is dismissed in its entirety with prejudice and without costs insofar as it challenges the allocation of 2002 federal low-income housing tax credits to JS Urban Renewal L.P. and insofar as it challenges the reservation of 2003 tax credits to JS Urban Renewal, L.P. or any substitution or exchange of the aforementioned 2002 tax credits or reservation of the aforementioned 2003 tax credits by EMFA applicable to the same part of the Hope VI Project in the City of Newark and in the same amount; and

IT IS FURTHER STIPULATED AND AGREED that Appellants will not seek any retroactive relief in their appeal pending under Docket No. A-10-02T2, insofar as such retroactive relief would affect JS Urban Renewal LP's allocation of 2002 tax credits and reservation of 2003 tax credits, or any substitution or exchange of the aforementioned 2002 tax credits or reservation of the aforementioned 2003 tax credits by HMFA applicable to the same part of the Newark Hope VI project and in the same amount; and

IT IS FURTHER STIPULATED AND AGREED that Appellants shall not initiate any additional, different or other appeals or challenges of any kind whatsoever that would affect JS Urban Renewal LP's


allocation of 2002 tax credits and reservation of 2003 tax credits, or any substitution or exchange of the aforementioned 2002 tax credits or reservation of the aforementioned 2003 tax credits by HMFA applicable to the same part of the Newark Hope VI project and in the same amount; and

IT IS FURTHER STIPULATED AND AGREED that JS Urban Renewal, L.P. shall not assert legal claims of any kind whatsoever against the Appellants or any of their officers, directors, employees, agents or representatives concerning or relating to the filing of the Appeal and JS Urban Renewal hereby waives and releases any claims that it has or may have against the Appellants concerning or relating to the filing of the Appeal.

Dated:

Kevin D. Walsh, Esq.
Fair Share Housing Center
Attorneys for Appellants Fair
Share Housing Center, Camden
County Branch of NAACP Southern
Burlington County NAACP, Camden
City Taxpayers Association

Dated:


Leon U. Sokol, Esq.
Attorney for Respondent
JS Urban Renewal, LP